

## **Exhibit A**

**Mina Hamilton - RE: Contempt Motion**

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**From:** Mina Hamilton  
**To:** Daucher, Brian  
**Date:** 1/6/2009 11:49 AM  
**Subject:** RE: Contempt Motion  
**CC:** DeCarlo, Dan; Makous, David; Serwin, Andrew B.

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Brian,

We have further considered your request for an extension. Although we cannot fathom how after four months you are not prepared to respond to these issues that you were given notice of in September, we will agree to a one week continuance of the hearing date. Please prepare the stipulation and we will sign it.

Please also stop ignoring my question about whether you were able to access the PDF files with the latest version of Adobe.

Regards,

Mina I. Hamilton, Esq.  
Lewis Brisbois Bisgaard & Smith LLP  
221 North Figueroa Street, Suite 1200  
Los Angeles, California 90012  
(213) 250-1800 (phone)  
(213) 250-7900 (fax)  
e-mail: hamilton@lbbslaw.com

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**From:** "Brian Daucher" <BDaucher@sheppardmullin.com>  
**To:** "Mina Hamilton" <HAMILTON@lbbslaw.com>  
**CC:** "DeCarlo, Dan" <DECARLO@lbbslaw.com>, "Makous, David" <MAKOUS@lbbslaw.com>, "Serwin, Andrew B." <ASerwin@foley.com>

## **Exhibit B**

Case 2:06-cv-07561-PA-CW Document 272-2 Filed 09/11/2008 Page 7 of 7

http://www.dmv.org/ Q Google

WD 2.0

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- Drivers Education
- Drivers License & ID
- Driving Records
- Forms & Publications
- Free Credit Report
- Lawyers
- Locations & Hours
- Practice Tests
- Traffic Schools
- Vehicle & Tire Recalls
- Vehicle History Reports
- Vehicle Registration

### DMV Guide

- Drivers License & ID
- First Time Drivers
- Registration & Tinting
- Driving Records
- Locations & Hours
- Forms & Publications
- Motorcycles
- Commercial Drivers
- Safety & Statistics
- Dealers & Auto Industry
- Other DMV Information
- Car Insurance
- Tickets & Driving Schools
- Relocation Guide
- Driving Abroad

### Insurance Center

- Car Insurance

### Tickets & Driving Schools

- Drivers Education
- Traffic Schools
- Practice Tests
- Defensive Driving
- Suspended License
- Traffic Tickets
- Paying Your Traffic Ticket
- DMV Point System
- Driver Handbook
- Traffic Ticket Attorneys

### Reports & Records

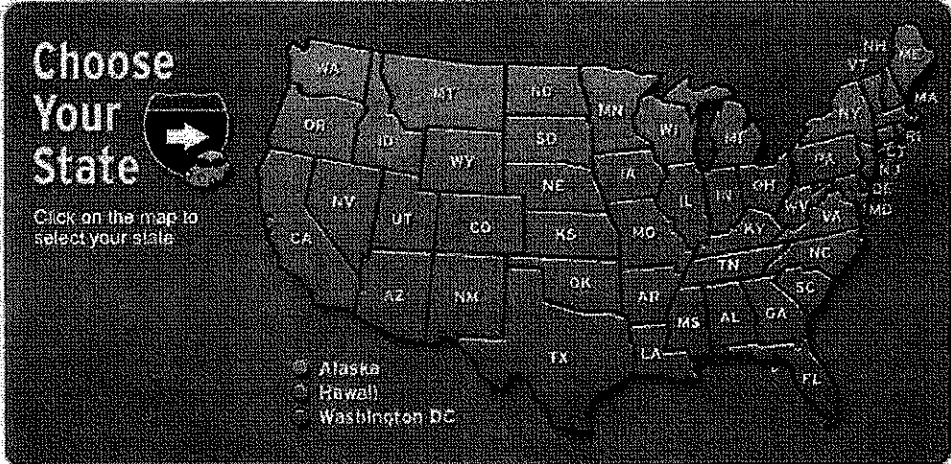
- Driving Records
- Vehicle History Reports
- Criminal Records
- Background Checks

## No need to stand IN LINE. Your DMV Guide is now ONLINE!

This Web site was created to provide easy-to-access information and resources for all your Department of Motor Vehicles needs. Because government DMV sites can sometimes be confusing to use, we have developed this free and comprehensive guide for the average person to understand.

### Choose Your State

Click on the map to select your state



Alaska  
Hawaii  
Washington DC

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#### Switch to GEICO >>

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www.geico.com

#### Want Lower Auto Insurance Rates? >>

Use our Car Insurance Center to shop the rates of multiple companies online. Receive free quotes and save hundreds.  
www.dmv.org

### About DMV.ORG

Our DMV Guide provides you with all the information you could possibly need from the Department of Motor Vehicles office—and much more. All the details on driver's licenses, driving records and ID cards, as well as vehicle registrations, title transfers, bills of sale and smog checks, are all available right here.

DMV.ORG also offers information you wouldn't think of getting from the Department of Motor Vehicles. You'll find great rates on auto insurance, ways to order a vehicle history report, and links to buying and selling cars—used and new. Got a traffic ticket? DMV.ORG also teaches you about online traffic schools, as well as driver's ed courses for new drivers. You can also rely on DMV.ORG for information on Lemon Laws and important updates on safety recalls. We bring you the most up-to-date information and services as they become available.

### What's New

#### New Cell Phone Law

No matter where you live, it's a good idea to familiarize yourself with your state's cell phone laws. If you're a driver in California, keep reading as new legislation recently went in effect.

As of July 1, 2008, CA drivers older than 18 must use hands-free equipment while driving; those younger than 18 are prohibited completely from using their

### Why waste your time in line at the DMV when you can find all your answers about drivers, cars, driving, and the regulations you need to follow in your own state, all on one comprehensive Web site? Welcome to DMV.ORG.

### Choose Your State DMV Guide

Alabama	Nebraska
Alaska	Nevada
Arizona	New Hampshire
Arkansas	New Jersey

## **Exhibit C**



1 BRIAN M. DAUCHER, Cal. Bar No. 174212  
2 ROBERT S. BEALL, Cal. Bar. No. 132016  
3 JOSEPH H. TADROS, Cal. Bar. No. 239379  
4 ASHLEY E. MERLO, Cal. Bar No. 247997  
5 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
6 A Limited Liability Partnership  
7 Including Professional Corporations  
8 650 Town Center Drive, 4th Floor  
9 Costa Mesa, California 92626-1925  
Telephone: (714) 513-5100  
Facsimile: (714) 513-5130  
bdaucher@sheppardmullin.com  
jtadros@sheppardmullin.com  
amerlo@sheppardmullin.com

10 Attorneys for Defendants

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13

14 TRAFFICSCHOOL.COM, INC., a  
15 California corporation; DRIVERS ED  
16 DIRECT, LLC., a California limited  
liability company,

17 Plaintiffs,

18 v.

19 EDRIVER, INC., ONLINE GURU,  
20 INC., FIND MY SPECIALIST, INC.,  
and SERIOUSNET, INC., California  
21 corporations; RAVI K. LAHOTI, an  
individual, and DOES 1 through 10.

22 Defendants.  
23  
24  
25  
26  
27  
28

Case No. CV067561 PA (CWx)  
*The Hon. Percy Anderson*

**DEFENDANTS' REPLY IN  
SUPPORT OF MOTION FOR STAY  
OF THE PERMANENT  
INJUNCTION**

Hearing Information:  
Date: October 20, 2008  
Time: 1:30 p.m.  
Crtrm.: 15

Complaint Filed November 28, 2006  
Trial Commenced: November 6, 2007

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **1. Introduction**

3 Defendants have shown that a stay of the permanent injunction pending  
4 appeal is appropriate in this case to preserve the status quo because (a) the  
5 injunction may be more restrictive than necessary, (b) there is a possibility of  
6 success on the merits on appeal, and (c) without a stay Defendants will suffer  
7 "irreparable harm."

8 In fact, Defendants are already suffering such harm. Since implementing the  
9 splash page, the DMV.ORG website has lost hundreds of thousands of visitors,  
10 resulting in significant declines in advertising revenue. (Lahoti Decl., ¶ 5 & 7.) If  
11 the injunction is not promptly stayed, Defendants may be unable to maintain  
12 profitability or avoid downsizing. (Lahoti Decl., ¶ 7).

13 Defendants' initial data shows that the splash page injunction may be more  
14 restrictive than necessary to remedy the alleged confusion. In June 2008,  
15 Defendants employed various measures to the DMV.ORG website to ensure that  
16 visitors were aware that it is a privately-owned, independent website, including a  
17 yellow banner at the top of each page stating in 16 point font, "DMV.ORG is a  
18 **privately owned website** that is **not** owned or operated by any government agency"  
19 (see Image A below) as well as acknowledgement check boxes including similar  
20 disclaimer language which a visitor must click through before sending  
21 communications to the website. After instituting the proactive measures,  
22 Defendants received virtually no emails from visitors that included their personal  
23 information.

24 However, upon launching the splash page, Defendants temporarily removed  
25 their proactive measures from the site, and Defendants began receiving emails in  
26 which visitors included their personal information. Thus, it appears that the splash  
27 page may be overly restrictive and at the same time less effective than the proactive  
28 measures taken by Defendants.

## **Exhibit D**



## Dan DeCarlo - Re: Traffic School

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**From:** Dan DeCarlo  
**To:** Andrew B. Serwin  
**Date:** 10/28/2008 5:50 PM  
**Subject:** Re: Traffic School  
**CC:** Makous, David; MINA HAMILTON

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Andy:

Nice chatting with you, welcome to the case. I did touch base with our clients and they continue to be interested in settlement. As you know, we have a tele-conference scheduled with the 9th Circuit on Monday regarding the settlement program. If your clients feel settlement discussions would be productive, then maybe we should touch base again before the Monday conference to discuss what the best procedural mechanism would be to maximize the chances of resolution.

Also, specifically related to the contempt issue, we will be filing a contempt motion shortly. As for the subject matter, I copied a recent e-mail communication which outlines our position. These issues remain unresolved.

Regards.

**From:** Mina Hamilton  
**To:** Daucher, Brian  
**CC:** DAN DECARLO; DAVID MAKOUS  
**Date:** 9/23/2008 3:30 PM  
**Subject:** DMV.ORG-Injunction Non-Compliance - Recap and 5th Notice (25162-14)

Brian:

Regarding our contempt motion, we wish to summarize our positions and the status of your client's violations:

1. The 14 point font DMV.ORG logo issue: This has not been resolved and your clients have refused to comply.
2. The title tag issue: This is not resolved and your clients have refused to comply.
3. The splash page does not appear on Mobile devices: You indicated you would get back to us but you have failed to do so. Your clients continue to be in violation of the injunction on this point.
4. The drop down menus appearing on the splash page: This was a violation; you indicated your clients would correct this and let us know when it has been resolved.
5. The image appearing on disclaimer for the <http://www.dmv.org/ca-california/drivers-ed.php#> page: A violation; has been corrected.

Since we wrote to you last, we have been advised of additional significant issues.

6. When computer users disables Java on their browsers, the splash page is not seen. When it's set it to prompt and the user does not say ok upon the prompt, the site loads without the disclaimer.
7. When cookies are disabled the splash page is not seen. As your clients are likely well aware, disabling of cookies is a common occurrence by computer users for a variety of security reasons.

The injunction is clear that "every visitor" must be presented with an appropriate splash page. Your clients are in substantial non-compliance and we again demand that they come into compliance. We also demand that they engage in a comprehensive review of their systems as the continued discovery of non-compliance by our

clients is costly and burdensome.

Regards,

Mina I. Hamilton, Esq.  
Lewis Brisbois Bisgaard & Smith LLP  
221 North Figueroa Street, Suite 1200  
Los Angeles, California 90012  
(213) 250-1800 (phone)  
(213) 250-7900 (fax)  
e-mail: hamilton@lbbslaw.com

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Daniel C. DeCarlo  
Lewis Brisbois Bisgaard & Smith  
221 N. Figueroa St. Suite 1200  
Los Angeles, Ca. 90012  
213-680-5066  
310-213-1732 (cell)  
213-250-7900 (facsimile)  
decarlo@lbbslaw.com (email)

\*

>>>

**From:** "Serwin, Andrew B." <ASerwin@foley.com>

**To:** <decarlo@lbbslaw.com>

**Date:** 10/28/2008 4:24 PM

I thought I would try email as well. Let me know when you have a moment to touch base.

Andrew B. Serwin  
Chair: Privacy Security and Information  
Management Practice  
Lean Six Sigma Green Belt  
Foley & Lardner LLP  
402 W. Broadway, Suite 2100  
San Diego, CA 92101  
619.685.6428 (direct dial)  
619.234.3510 (fax)

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